

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, January 4, 2022

Hearing Room 301

11:00 AM

6:15-21418 James Lloyd Walker

Chapter 7

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6425 Ocotillo Dr, Twentynine Palms, CA 92277
(Motion filed 12/13/21)

MOVANT: BANK OF AMERICA, N.A.

EH____

[Tele. appr. Caroline Djang, rep. chapter 7 trustee]

[Tele. appr. Wendy Locke, rep. Bank of America]

Docket 261

Tentative Ruling:

1/4/2022

Service: Proper

Opposition: None

Having reviewed the motion, service being proper, no opposition having been filed and good cause appearing, the Court is inclined to:

-GRANT request under ¶ 4

-WAIVE the Rule 4001(a)(3) stay

-DENY alternative requests under ¶¶ 1, 2, 3, and 14 as MOOT

As noted by Movant the automatic stay as to Debtor terminated on September 2, 2016 pursuant to 11 U.S.C. § 362(c)(2)(C) because an order denying discharge was entered. The automatic stay terminated as to the bankruptcy estate on December 1, 2017 because an order was entered effectuating the abandonment of the subject real property. Therefore, the automatic stay terminated in its entirety as to the subject real property on December 1, 2017.

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CONT... James Lloyd Walker

Chapter 7

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

James Lloyd Walker

Represented By
Andrew Edward Smyth
William J Smyth

Movant(s):

BANK OF AMERICA, N.A.

Represented By
Joseph C Delmotte

Trustee(s):

Robert Whitmore (TR)

Represented By
Caroline Djang

**United States Bankruptcy Court
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Hearing Room 301

11:00 AM

6:18-18763 Nicolas Canello and Nidia Y. Canello

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Nissan Sentra filed by Creditor Nissan Motor Acceptance Corporation)
(Amended motion filed 12/8/21)

MOVANT: NISSAN MOTOR ACCEPTANCE CORPORATION

EH__

Docket 53

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/10/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicolas Canello

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Nidia Y. Canello

Represented By
Terrence Fantauzzi

Movant(s):

Nissan Motor Acceptance

Represented By
Austin P Nagel
Kirsten Martinez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Hearing Room 301

11:00 AM

6:20-12893 Sylvia Irene Guzman

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14917 De Soto Place, Moreno Valley, CA 92553 Under 11 U.S.C. § 362 (Motion filed 11/22/21)

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH ____

[Tele. appr. Richard Stevenson, rep. creditor, U.S. Bank National Association]

Docket 36

Tentative Ruling:

1/4/2022

Service: Proper
Opposition: None

Having reviewed the motion, service being proper, no opposition having been filed and good cause appearing, the Court is inclined to:

- GRANT relief from stay pursuant to § 362(d)(1)
- GRANT relief from § 1301(a) co-debtor stay
- GRANT waiver of Rule 4001(a)(3) stay
- GRANT requests under ¶¶ 2, 3 and 12

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Sylvia Irene Guzman

Represented By
Jonathan D Doan

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CONT... Sylvia Irene Guzman

Chapter 13

Movant(s):

U.S. Bank National Association

Represented By
Mukta Suri
Jennifer C Wong

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, January 4, 2022

Hearing Room 301

11:00 AM

6:21-11680 Malta Centeno Lambert

Chapter 13

#4.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 834 Hurstland Ave, Beaumont, CA 92223
(Motion filed 11/3/21)

From: 11/30/21

MOVANT: WILMINGTON SAVINGS FUND SOCIETY FSB

EH__

[Tele. appr. Yelena Gurevich, rep. Debtor]

Docket 45

***** VACATED *** REASON: ADEQUATE PROTECTION ENTERED
12/30/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Malta Centeno Lambert

Represented By
Yelena Gurevich

Movant(s):

Wilmington Savings Fund Society,

Represented By
Erin M McCartney
Shabrena Lynch-Horton
Nichole Glowin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
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Tuesday, January 4, 2022

Hearing Room 301

11:00 AM

6:21-11755 Donald L Murphy and Kelly M Murphy

Chapter 13

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 43455 Corte Logrono, Temecula, California 92592 with Proof of Service and Exhibits.
(Motion filed 11/30/21)

MOVANT: NEWREZ LLC

EH__

Docket 37

***** VACATED *** REASON: ADEQUATE PROTECTION ORDER
ENTERED 12/8/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald L Murphy

Represented By
Joselina L Medrano

Joint Debtor(s):

Kelly M Murphy

Represented By
Joselina L Medrano

Movant(s):

NewRez LLC D/B/A Shellpoint

Represented By
Chad L Butler

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

6:21-15382 Matthew Garcia and Erika Garcia

Chapter 7

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 4105 Alana Circle, Oceanside, California 92056 .
(Motion filed 12/9/21)

MOVANT: WILMINGTON SAVINGS FUND SOCIETY FSB

EH__

[Tele. appr. Erica Loftis, rep. Wilmington Savings Fund Society, FSB]

Docket 23

Tentative Ruling:

1/4/2022

Service: Proper
Opposition: None

Having reviewed the motion, service being proper, no opposition having been filed and good cause appearing, the Court is inclined to:

- GRANT relief from stay pursuant to § 362(d)(1)
- GRANT relief from stay pursuant to § 362(d)(4) based on a previous, summarily-dismissed, bankruptcy affecting the property and a purported, unauthorized grant deed transferring a fractional interest in the subject property to Debtors fifteen days prior to the petition
- GRANT waiver of Rule 4001(a)(3) stay
- GRANT requests under ¶¶ 2, 3 and 12

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Matthew Garcia

Represented By

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CONT... Matthew Garcia and Erika Garcia

Chapter 7

M. Wayne Tucker

Joint Debtor(s):

Erika Garcia

Represented By
M. Wayne Tucker

Movant(s):

Wilmington Savings Fund Society,

Represented By
Erica T Loftis Pacheco

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

6:21-15711 Jesus Garay

Chapter 7

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 408 North Lewis Street, Lake Elsinore, CA 92530
(Motion filed 12/9/21)

MOVANT: MATRIX FINANCIAL SERVICES CORP.

EH__

Docket 10

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/23/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Garay

Represented By
Chris T Nguyen

Movant(s):

MATRIX FINANCIAL SERVICES

Represented By
Daniel K Fujimoto
Caren J Castle

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

6:21-15785 Margarito Horta

Chapter 13

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Nissan Sentra, VIN 3N1AB7APXKY334972 with proof of service (Motion filed 12/8/21)

MOVANT: SCHOOLSFIRST FEDERAL CREDIT UNION

EH__

[Tele. appr. Paul Reza, rep. creditor, Schoolsfirst Federal Credit Union]

[Tele. appr. James Hornbuckle, rep. Debtor]

Docket 18

Tentative Ruling:

1/4/2022

Service: Proper

Opposition: None

Having reviewed the motion, the Court notes that the only cause articulated for relief from stay is that Movant regained possession of the subject vehicle two days before the petition was filed. This, on its own, does not establish cause for relief from stay. The Court further notes that Movant is listed in the Chapter 13 plan, and that the motion seems to indicate that Debtor made the postpetition payment [pg. 8, § 7d]. In addition, while Movant lists a prepetition delinquency, the number of payments missed is not listed, and the exhibits do not substantiate any particular prepetition default. Movant not having sufficiently established any delinquency to establish cause, the Court is inclined to DENY the motion. Also, the Court notes that there is no box checked in the notice as to when opposition is due.

Movant to address the above issues.

APPEARANCES REQUIRED.

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CONT... Margarito Horta

Chapter 13

Party Information

Debtor(s):

Margarito Horta

Represented By
James D. Hornbuckle

Movant(s):

SchoolsFirst Federal Credit Union

Represented By
Paul V Reza

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

6:21-16078 Leonardo Zavala Munoz

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2020 Honda Pilot, VIN: 5FNY F5H9 9LB0 05902 (Motion filed 12/10/21)

MOVANT: AMERICAN HONDA FINANCE CORPORATION

EH__

[Tele. appr. Vincent Frounjan, rep. creditor, American Honda Finance]

Docket 9

Tentative Ruling:

1/4/2022

Service: Proper

Opposition: None

11 U.S.C. § 362 provides in relevant part:

(h)(1) In a case in which the debtor is an individual, *the stay provided by subsection (a) is terminated with respect to personal property* of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) *to file timely any statement of intention* required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

11 U.S.C. § 362(h)(1)(A) (emphasis added).

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CONT... Leonardo Zavala Munoz

Chapter 7

Here, Debtor did not list the collateral on the statement of intention. Because Debtor was required to select to either abandon or redeem the property, or to enter a reaffirmation agreement, and the thirty-day deadline for filing or amending the statement of intention passed on December 30, 2021 pursuant to 11 U.S.C. § 521(a)(2)(A), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Leonardo Zavala Munoz

Represented By
James G. Beirne

Movant(s):

AMERICAN HONDA FINANCE

Represented By
Vincent V Frounjian

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

6:21-16177 Yousef Elias Shehadeh

Chapter 13

#10.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 1713 Old Baldy Way, Upland, CA 91784
(Motion filed 12/9/21)

MOVANT: YOUSEF SHEHADEH

EH__

[Tele. appr. Joann Andrew for Neil R Hedtke, Debtor/Movant]

Docket 8

Tentative Ruling:

1/4/2022

Service: Proper as to NationStar/Mr. Cooper

Opposition: None

The Court, having reviewed the motion, service being proper as to NationStar/Mr.Cooper, no opposition having been filed and good cause appearing, the Court notes: (1) the only creditor Debtor appears to have served is the mortgagee; (2) because the previous Chapter 13 case was voluntarily dismissed more than a month prior to the confirmation hearing, it does not appear that the statutory presumption of bad faith arises in this case.

For the reasons set forth above, the Court is inclined to GRANT the motion to the extent of continuing the automatic stay as to NationStar/Mr. Cooper.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Yousef Elias Shehadeh

Represented By
Neil R Hedtke

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CONT... Yousef Elias Shehadeh

Chapter 13

Movant(s):

Yousef Elias Shehadeh

Represented By
Neil R Hedtke
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se